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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,719	12/10/2001	Ralf Allner	81392LPK	4453

7590 09/05/2003

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EXAMINER

SICONOLFI, ROBERT

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Offic Action Summary	Application No.	Applicant(s)	
	10/016,719	ALLNER ET AL.	
	Examiner	Art Unit	
	Robert A. Siconolfi	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1,2,4-11 and 13 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 8/11/03 is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 6) Other: ____ .

DETAILED ACTION

1. Amendment filed on 8/11/03 has been received.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1,2,4-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayne et al (U. S. Patent no. 4,326,643) in view of Joffe (U. S. Patent no. 5,331,861).

Bayne et al is the English equivalent of EP-B1-0024944 which is discussed on page one of the specification. Therefore, the examiner will not discuss in detail what the applicant has admitted. Bayne et al does not disclose the use of at least 3 rotatable threaded spindles. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any number of spindles in the device of Bayne et al as such is merely a design choice. The use of multiple spindle drives is a duplication of parts which is patentable only if unexpected results are discovered. Please see MPEP 2144.04 and *In Re Harza* 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Furthermore, the use of multiple spindle drives means that each individual spindle can be lighter and smaller since it is not supporting as large a load.

Bayne et al also does not disclose the use of ball bearing to reduce the friction due to the lateral movements of the spindle. Joffe teaches the use of ball bearings in the spindle drive for allowing lateral displacement. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to use ball bearings as taught by Joffe in the device of Bayne et al in order to allow for better operation of the device. The use of ball bearings will extend the life due to the reduced wear. They will also prevent jamming that may occur due to the increased forces that would be needed to move the nut laterally.

Response to Arguments

4. Applicant's arguments filed 8/11/03 have been fully considered but they are not persuasive. Applicant argues that the prevention of the binding of the spindles is the unexpected result and thus the inclusion of multiple lead screws (with the low friction bearings) is not obvious. The examiner disagrees. The load of the platform is balanced across multiple point of support with the addition of additional lead screws rather than cantilevered off of one point. This would have the excepted affect of smoother operation and as a corollary, the prevention of binding of the lead screws. Applicant further argues that the ball bearings of Joffe "are for a different purpose". This different purpose has not been identified by the applicant and as best as the examiner can tell the purpose of the ball bearings is to help adjust for the variations in movement due to the lead screw not being perfectly straight, rigid, and uniform. This is the same purpose as the applicant's ball bearing device.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is 703-305-0580. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Robert A. Siconolfi 9/4/03
Examiner
Art Unit 3683

RS